

Decision No. 15587

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of
Southern Pacific Company for an
order authorizing the construction
at grade of a spur track across a por-
tion of Seventh Street (Corbin Station)
in the City of Berkeley, County of
Alameda, State of California.

ORIGINAL

Application No. 11799.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 9th day of October, 1925, asking for authority to construct a spur track at grade across a portion of Seventh Street in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 14655 N.S.) has been granted by the City Council of said City for the construction of said crossing at grade. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation, or to avoid a grade crossing at the point mentioned in this application with said Seventh Street and that this application should be granted subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade across a portion of Seventh Street, in the City of Berkeley, County of Alameda, State of California, as follows:

Commencing at a point in Seventh Street between Camelia and Gilman Streets in the City of Berkeley; said point of beginning being N. $14^{\circ} 24'$ W. 238.5 feet, more or less, (erroneously stated in application to be 2385 feet) and thence N. $75^{\circ} 36'$ E. 18 feet more or less from the intersection of the North line of Camelia Street with the West line of Seventh Street; thence southwesterly through a No. 7 turnout to the left 18 feet more or less to a point in the westerly line of Seventh Street, said point being distant N. $14^{\circ} 24'$ W. 237.5 feet, more or less, (Erroneously stated in application to be 2375 feet) from the intersection of the west line of Seventh Street with the north line of Camelia Street.

and as shown by the map (Western Div. No. C-179, Sheet 1) attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed substantially in accordance with Standard No. 1, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding five (5) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and

proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14th day of October, 1925.

H. H. Brandt

C. H. Sawyer

George D. Squires

Commissioners.